

1 [Affirming Compliance with State Housing Laws]

2

3 **Resolution affirming San Francisco’s compliance with certain state housing laws in**
4 **support of the Municipal Transportation Agency’s application for funding by the**
5 **Metropolitan Transportation Commission’s One Bay Area Grant Program (OBAG 3).**

6

7 WHEREAS, The San Francisco region has the highest housing costs in the United
8 States; and

9 WHEREAS, The Bay Area produced less than the total need for low- and moderate-
10 income housing units from 2015-2022, and will likely underproduce low-income units during
11 the 2023-2031 time period; and

12 WHEREAS, There are limited funding sources available to secure land for the
13 construction of low- and moderate-income housing; and

14 WHEREAS, Public lands can play a critical role in increasing the supply of land for
15 affordable housing;

16 WHEREAS, Accessory dwelling units (ADUs) and junior accessory dwelling units
17 (JADUs) provide an important option to increase the availability and affordability of housing,
18 especially in existing, lower density neighborhoods; and

19 WHEREAS, Density bonuses are an effective tool to increase the financial feasibility of
20 housing and incentivize the creation of affordable housing; and

21 WHEREAS, The Metropolitan Transportation Commission adopted Resolution
22 No. 4505, outlining the programming policy and project selection criteria for the One Bay Area
23 Grant Program (OBAG 3), including certain requirements to access these funds; now,
24 therefore, be it

25

1 RESOLVED, By the Board of Supervisors of the City and County of San Francisco,
2 State of California, that San Francisco agrees to comply with the terms of Surplus Land Act
3 (California Government Code, Section 54220 et seq.), as exists now or may be amended in
4 the future, including, but not limited to, AB 1255 (Rivas, 2019), which requires jurisdictions to
5 compile and report annually an inventory of surplus lands to the California Department of
6 Housing and Community Development; and be it

7 FURTHER RESOLVED, San Francisco agrees to comply with state laws related to
8 ADUs and JADUs, as it exists now or may be amended in the future, including, but not limited
9 to California Government Code, Sections 65852.150, 65852.2, 65852.22, et seq. and
10 California Health & Safety Code, Sections 17980.12; and, be it

11 FURTHER RESOLVED, That San Francisco agrees to comply with state Density
12 Bonus Law (California Government Code, Section 65915 et seq.), as exists now or may be
13 amended in the future; and, be it further

14 FURTHER RESOLVED, That San Francisco warrants and represents that is in
15 compliance with the aforementioned state housing laws and that except for *2700 Sloat*
16 *Holder, LLC v. City and County of San Francisco*, San Francisco Superior Court Case No.
17 518268, and *YIMBY v. City and County of San Francisco*, San Francisco Superior Court Case
18 No. 517661, there are no claims, actions, suits, or proceedings pending to the best of San
19 Francisco’s knowledge, alleging violations of the aforementioned state housing laws by the
20 City and County of San Francisco.

21 n:\landlas2023\2000035\01705813.docx
22
23
24
25